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6 Attorney for AUZWON AKIM TODD

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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 AUZWON AKIM TODD,
15 Defendant.

Case No. 3:06-cr-056-RCJ-VPC

**UNOPPOSED MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE**

(Hearing Requested)

16 COMES NOW the defendant, AUZWON AKIM TODD, by and through his counsel
17 of record, Nisha Brooks-Whittington, Assistant Federal Public Defender, and pursuant to 18 U.S.C.
18 § 3583(e)(1) and Fed. R. Crim. P. 32.1, hereby moves this Honorable Court for early termination
19 of his four-year term of supervised release. This request is based on the Points and Authorities
20 attached hereto.
21

22 DATED this 10th day of August, 2012.

23 RENE L. VALLADARES
Federal Public Defender

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25 By /s/Nisha Brooks-Whittington
26 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender
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MEMORANDUM OF POINTS AND AUTHORITIES

The statute governing early termination of supervised release, 18 U.S.C. § 3583(e)(1), provides that the court may, “after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)¹ - terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, . . . if it is satisfied that such action is warranted by the conduct of the defendant released and in the interest of justice.”

On October 3, 2006, Auzwon Akim Todd (“Mr. Todd”), pled guilty to Conspiracy to Possess with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 846 and 841(a)(1). See Docket No. 43 (Minutes of Proceedings). Mr. Todd was sentenced to sixty-three (63) months in the custody of the Bureau of Prisons (“BOP”) and to a forty-eight (48) month term of supervised release. See Docket No. 55 (Judgment in a Criminal Case).

On December 27, 2010, Mr. Todd commenced his term of supervised release in the District of Nevada. Mr. Todd’s special conditions of supervision required, among other conditions, he participate in and complete a substance abuse treatment program and complete one hundred (100) hours of community service. See Docket No. 55. Mr. Todd was never enrolled into substance abuse treatment and that condition was held in abeyance. Nonetheless, Mr. Todd regularly submits to drug testing and has never tested positive for an illegal substance. Mr. Todd also completed his ordered community service hours at the United Way on August 31, 2011.

Mr. Todd is a respectful person that strives to provide a better life for himself. Mr. Todd is currently unemployed but is diligently searching for employment. Mr. Todd seeks early termination so that he can pursue potential job opportunities in Texas and North Carolina. Further, Mr. Todd does not have any family in Las Vegas, and therefore seeks early termination to be closer to family members that reside in Texas. Mr. Todd’s term of supervision restricts his ability to travel

¹ Among the factors which a court must weigh are the nature of the offense, the history and characteristics of the defendant, the need for the sentence to deter criminal activity, the need to protect the public, the importance of rehabilitating the defendant, the kinds of sentences and sentencing ranges available, any pertinent policy statement, the need to avoid sentencing disparities, and the need to provide restitution to any victims of the offense. See 18 U.S.C. § 3553(a).

1 to seek employment opportunities in other states and to be closer to his family. The fact that Mr.
2 Todd is on supervision greatly minimizes his employment opportunities.

3 Mr. Todd has proven himself to be a model probationer. Mr. Todd's conduct while
4 on supervised release is strong evidence that he is ready for his supervision period to end. Mr. Todd
5 is an appropriate candidate for early termination of supervised release. Mr. Todd has been
6 accountable to his probation officer at all times. Undersigned counsel spoke with Ms. Valdez and
7 was advised that Mr. Todd has not incurred any violations and has complied with conditions of his
8 supervision. Ms. Valdez further indicated that she will defer to the Court as to whether Mr. Todd
9 should receive early termination from his supervised release term. Assistant United States Attorney,
10 Michael Large also indicated to undersigned counsel that he will defer to the Court on early
11 termination, but that he does not oppose the request.

12 **CONCLUSION**

13 In summary, Mr. Todd has made the most of his nearly two years of supervision. Mr.
14 Todd has learned from his past transgression and no longer desires the social settings that led him
15 before this Court. For all of these reasons, Mr. Todd respectfully requests that this Court grant his
16 early termination from supervised release.

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18 Respectfully submitted by,

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20 By /s/ Nisha Brooks-Whittington
21 NISHA BROOKS-WHITTINGTON,
22 Assistant Federal Public Defender
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUZWON TODD,

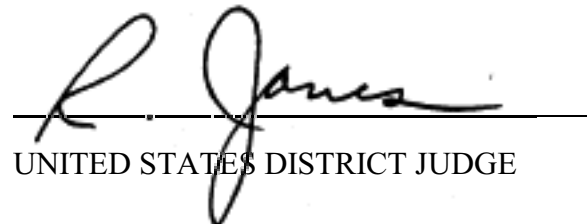
Defendant.

Case No. 3:06-cr-056-RCJ-VPC

PROPOSED ORDER

Based on the above points and authorities and good cause appearing therefore, the
UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE is
hereby granted. **IT IS HEREBY ORDERED** that the term of supervised release be
terminated. IT IS FURTHER ORDERED that the hearing set Monday, March 11, 2013 @
10:30 A.M. is VACATED.

DATED this 6th day of March, 2013.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of the Law offices of the Federal Public Defender for the District of Nevada and am a person of such age and discretion as to be competent to serve papers.

That on, August 10, 2012, I served an electronic copy of the above and foregoing **UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE** by electronic service (ECF) to the person named below:

DANIEL BOGDEN
United States Attorney
MICHAEL LARGE
Assistant United States Attorney

Via e-mail: AMBERLEIGH VALDEZ
Probation Officer

/S/ Nancy Vasquez
Nancy Vasquez, Legal Assistant to
NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender